IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI WESTERN DIVISION

TIMOTHY BURNS)
Plaintiff,) Case No. 4:14-cv-00714
vo.)
LVNV FUNDING, LLC)
Defendant.)
)

PROOF OF SERVICE OF NOTICE OF REMOVAL

To: Terry L. Lawson, Jr.

Steven A. Shepherd

Lawson Law Center, LLC 700 East 8th Street, Suite 300 Kansas City, Missouri 64106

terry@llckc.com steve@llckc.om

Attorneys for Plaintiff

YOU ARE HEREBY NOTIFIED that the case of *Timothy Burns v. LVNV Funding, LLC*, initiated by you in the Circuit Court of Jackson County, Missouri, Kansas City Division, on or about June 14, 2014, and assigned Case No. 1416-CV14437, has on this 13th day of August, 2014, been removed to the United States District Court for the Western District of Missouri. A copy of said Notice of Removal is attached hereto and hereby served upon you.

Date: August 13, 2014.

Respectfully submitted,

FRANKEL, RUBIN, BOND, DUBIN, SIEGEL & KLEIN, P.C.

By/s/ Mayer S. Klein_

MAYER S. KLEIN, #MO32605 mklein@frankelrubin.com Counsel for Defendant 231 South Bemiston Avenue, Suite 1111

Clayton, Missouri 63105 Telephone: (314) 725-8000 Facsimile: (314) 726-5837

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on August 13, 2014, a true copy of the foregoing was filed in the United States District Court for the Western District of Missouri, Western Division, through the Court's electronic filing system to:

Terry L. Lawson, Jr.
Steven A. Shepherd
Lawson Law Center, LLC
700 East 8th Street, Suite 300
Kansas City, Missouri 64106
terry@llckc.com
steve@llckc.om
Attorneys for Plaintiff

/s/Mayer S. Klein MAYER S. KLEIN

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI WESTERN DIVISION

TIMOTHY BURNS)
Plaintiff,) Case No. 4:14-cv-00714
¥ 134)
LVNV FUNDING, LLC)
Defendant.)
)

DEFENDANT LVNV FUNDING, LLC'S NOTICE OF REMOVAL

PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. § 1446(a) and (b), the Defendant LVNV Funding, LLC. ("Defendant"), hereby removes this case to the United States District Court for the Western District of Missouri, Western Division, based on the following grounds:

THE REMOVED ACTION

1. On or about June 17, 2014, Timothy Burns (hereinafter referred to as "Plaintiff") brought a civil action against Defendant in the 16th Judicial Circuit Court of Jackson County, Missouri.

FEDERAL QUESTION

- 2. According to Plaintiff's Petition, this is an action, for alleged violations of the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692, et seq. and the Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq ("FCRA").
- 3. Under the FDCPA § 1692k (d) and FCRA § 1681 (p), this Court has original federal question subject matter jurisdiction of this action without regard to the amount in controversy. In addition, this action arises under the laws of the United States, specifically the FDCPA and the FCRA; therefore, this Court has subject matter jurisdiction under 28 U.S.C. §

1331. Accordingly, this action may be removed to this Court, as provided by 28 U.S.C. § 1441(a).

THE VENUE REQUIREMENT IS SATISFIED

4. Venue of this removal is proper under 28 U.S.C. § 1441(a) because this Court is the United States District Court for the district and division corresponding to the place where the State Court action is pending.

THE REMOVAL IS TIMELY

5. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is filed within thirty (30) days after Defendant's receipt of the initial pleadings setting forth the claim for relief upon which this action is based.

PAPERS FROM REMOVED ACTION

6. Pursuant to 28 U.S.C. § 1446(a), attached hereto as Exhibit "A" are copies of the following documents which are all the process, pleadings and orders received by Defendant in this action.

FILING OF REMOVAL PAPERS

- 7. Under 28 U.S.C. § 1446(d), written notice of the removal of this action has been given simultaneously to Plaintiff's counsel, and a Notice to Clerk of removal has been simultaneously filed with the 16th Judicial Circuit Court of Jackson County, Missouri.
- 8. Upon receipt of this Notice, no further action shall be taken in the 16th Judicial Circuit Court of Jackson County, Missouri.

WHEREFORE, Defendant LVNV Funding, LLC, does hereby remove the above captioned action from the 16th Judicial Circuit Court of Jackson County, Missouri, and requests that further proceedings be conducted in this Court as provided by law.

FRANKEL, RUBIN, BOND, DUBIN, SIEGEL & KLEIN, P.C.

By:/s/ Mayer S. Klein
MAYER S. KLEIN, #MO32605
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231 South Bemiston Avenue, Suite 1111
Clayton, Missouri 63105
Telephone: (314) 725-8000
Facsimile: (314) 726-5837

CERTIFICATE OF SERVICE

This is to certify that on August 13, 2014, I have filed electronically a copy of the within and foregoing Defendant's Notice of Removal in the United States District Court for the Western District of Missouri, Western Division through the Court's electronic filing system to:

Terry L. Lawson, Jr.
Steven A. Shepherd
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700 East 8th Street, Suite 300
Kansas City, Missouri 64106
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Attorneys for Plaintiff

/s/Mayer S. Klein MAYER S. KLEIN